
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

TERRY LEE SCOTT,

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Petitioner,

versus

CIVIL ACTION NO. 1:06-CV-12

WARDEN CHILDRESS,

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Respondent.

**MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Terry Lee Scott, a federal prisoner, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the petition.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. Civ. P. 72(b). After careful consideration, the court concludes the objections are without merit. A claim under *Booker* does not fit within the savings clause of 28 U.S.C. § 2255. *United States v. Padilla*, 416 F.3d 424, 427 (5th Cir. 2005).

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 17th day of February, 2006.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE